

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ANDRE ADAMS,  
Plaintiff,  
- versus -  
PATRICK QUIGLEY, CRAIG  
LUPARDO, DANIEL DELPINO, AND  
THE CITY OF NEW YORK,  
Defendants.

19-CV-1662 (MKB)

United States Courthouse  
Brooklyn, New York

August 2, 2023  
9:00 a.m.

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TRANSCRIPT OF CIVIL CAUSE FOR TRIAL  
JURY PRESENT  
BEFORE THE HONORABLE MARGO K. BRODIE  
UNITED STATES \*\*\* CHIEF DISTRICT JUDGE  
BEFORE A JURY

APPEARANCES

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(Continuing.)

1 APPEARANCES CONTINUED:

2  
3 Attorney for Defendant: New York City Law Department  
4 100 Church Street  
5 BY: NEW YORK, NEW YORK 10007, ESQ.  
6 EVAN J. GOTTSTEIN, ESQ.  
7 INNA SHAPOVALOVA, ESQ.  
8 ALEXANDRA CORSI, ESQ.

9 Also Present: ANDRE ADAMS, PLAINTIFF  
10 PATRICK QUIGLEY, DEFENDANT  
11 CRAIG LUPARDO, DEFENDANT  
12 DANIEL DELPINO, DEFENDANT

13 \* \* \* \*

CHARGE CONFERENCE

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1 MR. WERTHEIMER: That's correct.

2 And it was Judge Kuntz, Your Honor.

3 THE COURT: And what's the other cite you were going  
4 to give me, counsel?

5 MR. WERTHEIMER: Yes. This is from the Western  
6 District of New York in 2018. It's *Savage versus Acquino*,  
7 A-C-Q-U-I-N-O. That's 2018 U.S. District Court Lexis 48514,  
8 and I'll read the quote -- and that's at star 14 to 15.

9 The obstruction of governmental administration and  
10 resisting arrest charges presume that the initial stop from  
11 which the alleged resisting and obstruction flowed for  
12 possession of a firearm was authorized. Therefore, probable  
13 cause for resisting arrest will not be a defense if there was  
14 no independent probable cause to justify the arrest for which  
15 the plaintiff is charged with resisting or obstructing.

16 THE COURT: Okay. I'll take a look at this further  
17 and then you will get the revised charge, either with it  
18 included or not, depending on what the research shows.

19 MR. WERTHEIMER: Thank you, Your Honor. I'll just  
20 turn specifically to.

21 MS. SHAPOVALOVA: I'm sorry. I apologize for  
22 interrupting you.

23 Since we're talking about the charges that are  
24 listed from Pages 13 to 15, may I just include our --

25 THE COURT: Counsel, if you can read it, just do it

1 one at a time from each side. So I'll come back to you for  
2 your list of objections.

3 Go ahead, Mr. Wertheimer.

4 MR. WERTHEIMER: On Page 15, Your Honor, under the  
5 deprivation of the right to a fair trial, I believe Your Honor  
6 intended to add, Defendant Lupardo back in to that italicized  
7 sentence that we just discussed on the Rule 50 motion, and  
8 that Defendant Delpino fabricated that he was assaulted in his  
9 report, and add Lupardo in there in whatever fashion Your  
10 Honor believes is appropriate.

11 THE COURT: So I think what I'm going to do, so I  
12 flagged that because I took that from your submission, and  
13 this is what gave me pause as to whether or not there was  
14 sufficient evidence. And so what I will do is I will add him  
15 back in in the first sentence, and I'm going to delete that  
16 sentence where I say, specifically, and try to explain what  
17 specifically plaintiff is claiming each defendant did. And  
18 I'll leave that to you to make the argument in your summation.

19 MR. WERTHEIMER: Thank you, Your Honor.

20 And then I believe plaintiff's last issue is just  
21 with respect to the nominal damages charge as we talked to  
22 you --

23 THE COURT: Yes. And I have looked at the case law,  
24 and it does appear that it is the plaintiff's right to have  
25 that charge or not, and I'll hear from defendants further on